

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201800757	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 01/15/2018 11:09 PM	Location of Incident: Intersection of East Tremont Avenue and Southern Boulevard	Precinct: 48	18 Mo. SOL 7/15/2019	EO SOL 7/15/2019	
Date/Time CV Reported Tue, 01/16/2018 1:39 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/29/2018 11:06 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Nicolas Mahuad	02214	960850	048 PCT
2. POM Andrew Cummings	2646	956559	048 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicolas Mahuad	Force: Police Officer Nicolas Mahuad used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B.POM Andrew Cummings	Force: Police Officer Andrew Cummings used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On January 16, 2018, Sgt. Lauren Diaz of the 48th Precinct contacted the IAB Command Center by phone and filed this complaint on behalf of a prisoner, identified by the investigation as § 87(2)(b). The IAB log did not list any contact information for § 87(2)(b). On January 29, 2018, this complaint was received at the CCRB.

NYPD documents received did not list a telephone number for § 87(2)(b) only her home address.

On January 30, 2018, a BADS search for § 87(2)(b) confirmed her address and revealed a telephone number for her girlfriend, § 87(2)(b) from an arrest report in 2017. Between January 30, 2018, and February 9, 2018, a total of five calls were placed to this number in an effort to establish contact with § 87(2)(b). Each time a voice message was left for § 87(2)(b) requesting that she contact the CCRB. On February 12, 2018, a sixth call was placed to § 87(2)(b) at § 87(2)(b)'s telephone number. § 87(2)(b) confirmed her contact information, agreed to receive text message notifications, but refused to provide her email address. § 87(2)(b) then scheduled her in-person interview for February 15, 2018, at the CCRB.

On February 14, 2018, an automatic text message notification was sent to § 87(2)(b) reminding her about her scheduled interview. On February 15, 2018, § 87(2)(b) missed her scheduled interview without calling to cancel or reschedule. On February 15, 2018, a seventh call was placed to § 87(2)(b) at § 87(2)(b)'s number, which § 87(2)(b) had previously confirmed, in an effort to reschedule her interview. A voice message was left for § 87(2)(b) requesting that she contact the CCRB. On February 15, 2018, a text message notification and a missed appointment letter were also sent to § 87(2)(b).

On January 30, 2018, a LEXIS search for § 87(2)(b) confirmed her address, revealed two email addresses, and a telephone number. Between January 30, 2018, and February 9, 2018, a total of five calls were placed to this number. Each time the number rang continuously without an option to leave a voice message. On January 30, 2018, an email was sent to each of two email addresses obtained during the LEXIS search. On January 30, 2018, one of the emails was returned as undelivered.

On January 30, 2018, a DMV search for § 87(2)(b) confirmed her address. On January 30, 2018, a COLES search of § 87(2)(b)'s home address did not list that she resided there, nor did it list any telephone numbers for the residence.

On February 1, 2018, a CLEAR search for § 87(2)(b) confirmed her address, listed one additional address, and a telephone number. Between February 1, 2018, and February 12, 2018, a total of five calls were placed to this number and each time a message was received that as per subscriber's request the number was not accepting incoming calls.

On February 2, 2018, DHS indicated that § 87(2)(b) exited their system on March 3, 2017, and her whereabouts were unknown.

On March 6, 2018, the CCRB visited § 87(2)(b)'s home in an effort to speak to her and have her sign several unsealing orders. The CCRB spoke to § 87(2)(b)'s mother, § 87(2)(b) who said that § 87(2)(b) no longer resided with her. § 87(2)(b) did not have any contact information for § 87(2)(b). § 87(2)(b) provided her own contact information, agreed to ask § 87(2)(b) to contact the CCRB and to sign the unsealing orders, if she was able to contact her. On March 16, 2018, a follow-up call was placed to § 87(2)(b). § 87(2)(b) said that § 87(2)(b) had no interest in pursuing this complaint. On April 16, 2018, § 87(2)(b)'s sister, § 87(2)(b) contacted the CCRB and asked the agency not to contact § 87(2)(b).

§ 87(2)(b) because of her poor health. § 87(2)(b) said that she was going to reach out to her sister one more time to ask her if she would be willing to sign the unsealing orders and to contact the CCRB. § 87(2)(b) then asked not to be contacted by the agency again. To date, the § 87(2)(b) family has not contacted the CCRB.

Between January 30, 2018, and February 13, 2018, letters were mailed to § 87(2)(b) at the address she had previously confirmed and to each of the addresses obtained for her via various database searches. On February 14, 2018, one of letters mailed to § 87(2)(b) at the address obtained for her during the LEXIS search was returned as undelivered. None of the rest of the letters were returned by USPS as undelivered.

On February 9, 2018, a subpoena was sent to Five Stars Management requesting them to provide a video footage of this incident. On February 20, 2018, § 87(2)(b) from Five Stars Management sent an email stating that the footage was no longer available.

§ 87(2)(g) On April 30, 2018, a redacted version of the BWC was obtained, which did not depict manifest misconduct.

On April 30, 2018, a NYC DOC search of § 87(2)(b) indicated that she is not currently incarcerated.

§ 87(2)(g)

Squad No.: 4

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date